

## **II. REMARKS**

### **OVERVIEW**

Claims 1-38, 40-58, and 60-64 are pending in the present application. Applicants note with appreciation the Examiner's indication of allowable subject matter in claims 12 and 39.

Claims 1, 3-10, 13-38, 40-45, 47-49 and 51-64 have been rejected as being allegedly anticipated by Stoutenburg et al. (Publ. No. 2003/0222135). Claim 11 stands rejected as being allegedly obvious over Stoutenburg et al. in view of Davila et al. (Publ. No. 2004/0046035). Claim 50 stands rejected as being allegedly obvious over Stoutenburg in view of Karns et al. (Publ. No. 2004/0267663).

Claims 1, 2, 14, 34, 38, 46, and 60 have been amended. Claims 39 and 59 have been canceled by present amendment. Claims 2 and 46, which were previously canceled have been reinstated by the present amendment. Claims 1, 14, 34, 38, and 60 have been amended to incorporate subject matter indicated to be allowable.

The methods and systems claimed by the present invention provide for a more efficient stored value card purchase. The use of a keycard, as further elaborated in the specification, reduces the inputs required on the part of the retailer. Rather than entering various information and navigating through various menus, as is typical in some prior art systems, the keycard enables a merchant immediately access and enter information required for a specific stored value product. Similarly, the use of a keycard provides for a more efficient, and convenient, purchase in that a consumer can simply point or otherwise indicate which product he or she desires. A merchant can, without any additional communication, use the keycard and provide the consumer with the desired product. The product itself is not the keycard. The keycard is a tool for more quickly and efficiently dispensing a particular product.

## **OBJECTIONS**

The Office Action objected to claims 47 and 48 as depending from cancelled claim 46. Claim 46 has been revived by current amendment, thus making this objection moot.

### **35 U.S.C. 102(E) REJECTIONS, ALLEGED ANTICIPATION BY STOUTENBURG (U.S. PATENT PUBLICATION NO. 2003/0222135)**

#### **A. Claim 1 Is Not Anticipated by Algeine**

##### *1. Independent Claim 1*

Claim 1 as amended recites, *inter alia*, the step of “inputting the product identification number from a keycard at a merchant terminal of a merchant” and “retaining the keycard by the merchant after the inputting step.”

##### *2. Stoutenburg*

Stoutenburg discloses various systems and methods for configuring point of sale (POS) systems for a variety of purposes. *See* Stoutenburg, ¶ [0039]. Particularly, Stoutenburg discloses a POS system that can be used to authorize and activate phone cards. *Id.* at ¶¶ [0136]-[0162]. Stoutenburg discloses using a phone card to “information identifying the stored value card and associated value account,” which “is entered via [the] POS device and/or POS peripheral.” *Id.* at ¶ [0153]. The merchant can input the card number by “key[ing] the card number into [the] POS device or [by] swip[ing] the card through a magnetic-stripe reader associated with the POS device.” *Id.* at ¶ [0156].

##### *3. Stoutenburg Does Not Disclose, Teach, or Suggest the Features of Claim 1*

Applicants respectfully submit that Stoutenburg does not disclose, teach, or suggest the requirement of “inputting the product identification number from a keycard at a merchant terminal of a merchant” and “retaining the keycard by the merchant after the inputting step.” Applicants note that Stoutenburg does disclose the use of a phone card to input information regarding the phone card. *See* Stoutenburg, ¶ [0156], but Stoutenburg does not disclose,

teach, or suggest that the phone card be retained by the merchant. In fact, Stoutenburg discloses the opposite, stating that “issuance can be by the merchant handing the card to the customer from a stock of cards, or by direct issuance from a card issuer associated with [the] POS device.” *Id.* at ¶ [0158]. Moreover, Stoutenburg discusses the user using the card to initiate and complete telephone calls. *Id.* at ¶ [0159]. Stoutenburg does not discuss nor suggest the merchant retaining the phone card, as claim 1 requires the merchant to retain the keycard.

Because Stoutenburg does not teach, disclose or suggest the features of claim 1, the Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. 102(e) be withdrawn.

#### B. Dependent Claims 2-13

The Applicants submit that claims 2-13 are all dependent on claim 1, which has been shown to be patentable over the cited reference. The Applicants therefore submit that claims 2-13 must also be patentable over Stoutenburg and therefore respectfully request that the rejection of claims 2-13 under 35 U.S.C. 102(e) be withdrawn.

#### C. Claim 14 Is Not Anticipated by Stoutenburg

##### 1. *Independent Claim 14*

Claim 14 as amended recites, *inter alia*, the step of “receiving a request for a product identification number...wherein the request was generated by inputting keycard information at a merchant terminal of a merchant, wherein the keycard was selected from among a plurality of keycards...and wherein the keycard is retained by the merchant.”

##### 2. *Stoutenburg*

As noted above, Stoutenburg discloses various systems and methods for configuring point of sale (POS) systems for a variety of purposes, including to authorize and activate phone cards. *See* Stoutenburg, ¶¶ [0136]-[0162]. Stoutenburg discloses using a phone card to

“information identifying the stored value card and associated value account,” which “is entered via [the] POS device and/or POS peripheral.” *Id.* at ¶ [0153]. The merchant can input the card number by “key[ing] the card number into [the] POS device or [by] swip[ing] the card through a magnetic-stripe reader associated with the POS device.” *Id.* at ¶ [0156].

*3. Stoutenburg Does Not Disclose,  
Teach, or Suggest the Features of Claim 14*

Applicants respectfully submit that Stoutenburg does not disclose, teach, or suggest the requirement of “inputting the product identification number from a keycard at a merchant terminal of a merchant” and “retaining the keycard by the merchant after the inputting step” as required by claim 14. Applicants again note that Stoutenburg does disclose the use of a phone card to input information regarding the phone card, but does not disclose, teach, or suggest that the phone card be retained by the merchant. *See* Stoutenburg, ¶ [0156]. To the contrary, Stoutenburg states that “issuance can be by the merchant handing the card to the customer from a stock of cards, or by direct issuance from a card issuer associated with [the] POS device, and that the user uses the card to initiate and complete telephone calls.” *Id.* at ¶¶ [0158]-[0159]. Stoutenburg does not discuss nor suggest the merchant retaining the phone card, as required by claim 14.

Because Stoutenburg does not teach, disclose or suggest the features of claim 14, the Applicants respectfully request that the rejection of claim 14 under 35 U.S.C. 102(e) be withdrawn.

D. Dependent Claims 15-33

The Applicants submit that claims 15-33 are all dependent on claim 14, which has been shown to be patentable over the cited reference. The Applicants therefore submit that claims 15-33 must also be patentable over Stoutenburg and therefore respectfully request that the rejection of claims 15-33 under 35 U.S.C. 102(e) be withdrawn.

E. Claim 34 Is Not Anticipated by Stoutenburg

1. *Independent Claim 34*

Claim 34 as amended recites a system for automating a request for a product. Claim 34 recites, *inter alia*, the step of “a plurality of keycards maintained in the possession of a merchant, wherein each keycard is pre-associated with a product identification number.”

2. *Stoutenburg*

Stoutenburg discloses using a phone card to “information identifying the stored value card and associated value account,” which “is entered via [the] POS device and/or POS peripheral.” *Id.* at ¶ [0153]. The merchant can input the card number by “key[ing] the card number into [the] POS device or [by] swip[ing] the card through a magnetic-stripe reader associated with the POS device.” *Id.* at ¶ [0156].

3. *Stoutenburg Does Not Disclose, Teach, or Suggest the Features of Claim 34*

Applicants respectfully submit that Stoutenburg does not disclose, teach, or suggest the requirement of “a plurality of keycards maintained in the possession of a merchant, wherein each keycard is pre-associated with a product identification number” as required by claim 14. Applicants again note that Stoutenburg does disclose the use of a phone card to input information regarding the phone card, but does not disclose, teach, or suggest that the phone card be retained by the merchant. *See* Stoutenburg, ¶ [0156]. Stoutenburg states that “issuance [of the card] can be by the merchant handing the card to the customer from a stock of cards, or by direct issuance from a card issuer associated with [the] POS device, and that the user uses the card to initiate and complete telephone calls.” *Id.* at ¶¶ [0158]-[0159]. Stoutenburg does not make any distinction between the phone card used to provide information to a central database and the phone card that the user possesses. *See* Stoutenburg, ¶¶ [0154]-[162]. Stoutenburg does not discuss nor suggest the merchant maintaining possession of the key card, as required by claim 34.

Because Stoutenburg does not teach, disclose or suggest the features of claim 34, the Applicants respectfully request that the rejection of claim 34 under 35 U.S.C. 102(e) be withdrawn.

F. Dependent Claims 35-37

The Applicants submit that claims 35-37 are all dependent on claim 34, which has been shown to be patentable over the cited reference. The Applicants therefore submit that claims 35-37 must also be patentable over Stoutenburg and therefore respectfully request that the rejection of claims 35-37 under 35 U.S.C. 102(e) be withdrawn.

G. Claim 38 Is Not Anticipated by Stoutenburg

1. *Independent Claim 38*

Claim 38 as amended recites, *inter alia*, the step of “providing a plurality of keycards, wherein each keycard is associated with a product identification number and a product or service receiving a request for a product or service ... wherein the request is associated with a keycard, inputting the product identification number at a merchant terminal of a merchant ...delivering the indicia to the customer; and retaining the keycard by the merchant after the delivering step.” Since the indicia is delivered to the customer, and the keycard is retained by the merchant, it can be seen that the indicia of the product or service is separate and apart from the keycard.

2. *Stoutenburg*

As noted above, Stoutenburg discloses various systems and methods for configuring point of sale (POS) systems for a variety of purposes, including to authorize and activate phone cards. *See* Stoutenburg, ¶¶ [0136]-[0162]. Stoutenburg discloses using a phone card to “information identifying the stored value card and associated value account,” which “is entered via [the] POS device and/or POS peripheral.” *Id.* at ¶ [0153]. The merchant can input the card number by “key[ing] the card number into [the] POS device or [by] swip[ing] the card through a magnetic-stripe reader associated with the POS device.” *Id.* at ¶ [0156].

Stoutenburg also states that “issuance [of the phone card] can be by the merchant handing the card to the customer from a stock of cards, or by direct issuance from a card issuer associated with [the] POS device, and that the user uses the card to initiate and complete telephone calls.” *Id.* at ¶¶ [0158]-[0159]. Accordingly, Stoutenburg discloses a single phone card per transaction, a phone card that is provided to the user following the transaction.

*3. Stoutenburg Does Not Disclose,  
Teach, or Suggest the Features of Claim 38*

Applicants respectfully submit that Stoutenburg does not disclose, teach, or suggest the requirement of “delivering the indicia to the customer; and retaining the keycard by the merchant after the delivering step,” as required by claim 38. Applicants again note that Stoutenburg does disclose the use of a phone card to input information regarding the phone card, but does not disclose, teach, or suggest that the phone card be retained by the merchant. *See* Stoutenburg, ¶ [0156]. Stoutenburg discloses the consumer having possession of the phone card following the transaction. *Id.* at ¶¶ [0158]-[0159]. Stoutenburg does not disclose a keycard that is retained by the merchant after an indicia of product or service is delivered to the customer, as required by claim 38.

Because Stoutenburg does not teach, disclose or suggest the features of claim 38, the Applicants respectfully request that the rejection of claim 38 under 35 U.S.C. 102(e) be withdrawn.

H. Dependent Claims 40-58

The Applicants submit that claims 40-58 are all dependent on claim 38, which has been shown to be patentable over the cited reference. The Applicants therefore submit that claims 40-58 must also be patentable over Stoutenburg and therefore respectfully request that the rejection of claims 40-58 under 35 U.S.C. 102(e) be withdrawn.

I. Claim 60 Is Not Anticipated by Stoutenburg

1. *Independent Claim 60*

Claim 60 as amended recites, *inter alia*, the step of “providing a plurality of keycards, wherein each keycard is associated with a product identification number and a product or service; receiving a request for a product or service ... wherein the request is associated with a keycard, inputting the product identification number at a merchant terminal of a merchant ...delivering the indicia to the customer; [and] retaining the keycard by the merchant after the delivering step.” Since the indicia is delivered to the customer, and the keycard is retained by the merchant, it can again be seen that the indicia of the product or service is separate and apart from the keycard.

2. *Stoutenburg*

Stoutenburg discloses various systems and methods for configuring point of sale (POS) systems for a variety of purposes, including to authorize and activate phone cards. *See* Stoutenburg, ¶¶ [0136]-[0162]. Stoutenburg discloses using a phone card to “information identifying the stored value card and associated value account,” which “is entered via [the] POS device and/or POS peripheral.” *Id.* at ¶ [0153]. The merchant can input the card number by “key[ing] the card number into [the] POS device or [by] swip[ing] the card through a magnetic-stripe reader associated with the POS device.” *Id.* at ¶ [0156].

Stoutenburg also states that “issuance [of the phone card] can be by the merchant handing the card to the customer from a stock of cards, or by direct issuance from a card issuer associated with [the] POS device, and that the user uses the card to initiate and complete telephone calls.” *Id.* at ¶¶ [0158]-[0159]. Accordingly, Stoutenburg discloses a single phone card per transaction, a phone card that is provided to the user following the transaction.



*3. Stoutenburg Does Not Disclose,  
Teach, or Suggest the Features of Claim 60*

Applicants respectfully submit that Stoutenburg does not disclose, teach, or suggest the requirement of “delivering the indicia to the customer; [and] retaining the keycard by the merchant after the delivering step” as required by claim 60. Applicants again note that Stoutenburg does disclose the use of a phone card to input information regarding the phone card, but does not disclose, teach, or suggest that the phone card be retained by the merchant. *See* Stoutenburg, ¶ [0156]. Stoutenburg discloses the consumer having possession of the phone card following the transaction. *Id.* at ¶¶ [0158]-[0159]. Stoutenburg does not disclose a keycard that is retained by the merchant after an indicia of product or service is delivered to the customer, as required by claim 60.

Because Stoutenburg does not teach, disclose or suggest the features of claim 60, the Applicants respectfully request that the rejection of claim 60 under 35 U.S.C. 102(e) be withdrawn.

J. Dependent Claims 61-64

The Applicants submit that claims 61-64 are all dependent on claim 60, which has been shown to be patentable over the cited reference. The Applicants therefore submit that claims 61-64 must also be patentable over Stoutenburg and therefore respectfully request that the rejection of claims 61-64 under 35 U.S.C. 102(e) be withdrawn.

**35 U.S.C. 103(A) REJECTIONS**

A. Claim 11 Is Rejected As Being Allegedly  
Upatentable Over Stoutenburg In View of Davila (2004/0046035)

Claim 11 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Stoutenburg in view of Davila. Claim 11 is dependent on claim 1. The above Amendment and Remarks show that Stoutenburg does not teach the required limitations of claim 1. The Applicants therefore respectfully submit that since the base claim (claim 1) of dependent

claim 11 has been shown allowable, the rejection of claim 11 must also be allowable over the Stoutenburg.

The teachings of Davila, even if combined, do not cure the deficiencies of Stoutenburg. Specifically, Davila does not teach, disclose or suggest using a keycard and “retaining the keycard by the merchant after the inputting step,” as required by base claim 1. The Applicants therefore submit that claim 11 is patentable over the cited reference combination. The Applicants therefore request the rejection of claim 11 be withdrawn.

**B. Claim 50 Is Rejected As Being Allegedly  
Upatentable Over Stoutenburg In View of Karns (2004/0267663)**

Claim 50 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Stoutenburg in view of Karns. Claim 50 is dependent on claim 38. The above Amendment and Remarks show that Stoutenburg does not teach the required limitations of claim 38. The Applicants therefore respectfully submit that since the base claim (claim 38) of dependent claim 50 has been shown allowable, the rejection of claim 38 must also be allowable over the Stoutenburg.

The teachings of Karns, even if combined, do not cure the deficiencies of Stoutenburg. Specifically, Karns does not teach, disclose or suggest using a keycard and “retaining the keycard by the merchant after the delivering step,” as required by base claim 38. The Applicants therefore submit that claim 50 is patentable over the cited reference combination. The Applicants therefore request the rejection of claim 50 be withdrawn.

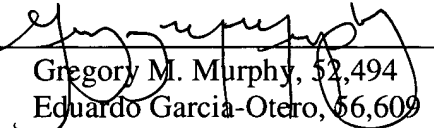
### III. CONCLUSION

For all the reasons set forth above, it is respectfully submitted that all outstanding rejections and objections have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record. All amendments are supported by the specification and claims as originally filed. Applicant accordingly submits that these claims are in a condition for allowance. Reconsideration and allowance of all claims are respectfully requested. Specifically, Applicants submit that pending claims 1-38, 40-58, and 60-64 are in condition for allowance.

Authorization is hereby granted to charge or credit the undersigned's Deposit Account No. 08-3436 for any fees or overpayments related to the entry of this Amendment, including any extension of time fees and new claims fees.

Respectfully submitted,

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